S.B.CRIMINAL MISC. BAIL APPLICATION NO.5638/2007
(Harnek Singh vs. State of Rajasthan)

DATE OF ORDER : November 19, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Vipin Makked, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that the tractor in question was engaged with Water Resource, a Department of State Government. If at all the diesel was transported, it was the driver of the tractor, who was found carrying the diesel and he has been released on bail by the trial court and the petitioner has been implicated only on the ground that the registration of the tractor stands in his name.

Having regard to the facts and circumstances of the case and the fact that it was not the petitioner, who was transporting the diesel, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under

section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Harnek Singh s/o Santok Singh in FIR No.345/2007, Police Station, Tibbi, Distt. Hanumangarh he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-